

46 Am. Jur. 2d Judges § 18

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Judges

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IV. Termination or Suspension of Office; Censure

B. Impeachment and Removal

§ 18. Nature of proceedings to remove judge—Confidentiality

[Topic Summary](#) | [Correlation Table](#) | [References](#)

West's Key Number Digest

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[Confidentiality of proceedings or reports of judicial inquiry board or commission](#), 5 A.L.R.4th 730

Proceedings relating to the investigation of alleged judicial misconduct are generally required by state constitution or statute to be kept confidential.¹ However, provisions in some jurisdictions permit public disclosure of judicial investigation procedures in certain specified instances.² In addition, although a state constitution required that a judicial inquiry board investigating charges of judicial misconduct maintain the confidentiality of all its proceedings, where the judge under investigation for alleged criminal conduct had sought a court order directing that the board's investigatory files be made available for inspection and in order to obtain disclosure the judge was required to show a compelling and particularized need, due process required the board to disclose evidence and material which it had collected in the investigation, to the extent that such evidence and material plainly negated on its face the judge's guilt.³

The confidentiality of hearings before an investigative panel of a Judicial Qualifications Commission is aimed at protecting judges from unsubstantiated claims, not meritorious claims that advance to a hearing panel.⁴

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Footnotes

- 1 Johnson Newspaper Corp. v. Melino, 151 A.D.2d 214, 547 N.Y.S.2d 915 (3d Dep't 1989), order aff'd, 77 N.Y.2d 1, 563 N.Y.S.2d 380, 564 N.E.2d 1046 (1990).
- 2 In re Angel, 867 So. 2d 379 (Fla. 2004).
- 3 People ex rel. Illinois Judicial Inquiry Bd. v. Hartel, 72 Ill. 2d 225, 20 Ill. Dec. 592, 380 N.E.2d 801, 5 A.L.R.4th 712 (1978).
- 4 In re Eriksson, 36 So. 3d 580 (Fla. 2010).

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